



March 21, 2003

ENGROSSED HOUSE BILL No. 1645

DIGEST OF HB 1645 (Updated March 19, 2003 4:37 PM - DI 87)

Citations Affected: IC 36-1; noncode.

Synopsis: Evansville state hospital property. Provides that local zoning ordinances and requirements relating to municipal roads and streets do not apply to certain property in Vanderburgh County. Requires the conveyance of certain Evansville State Hospital property to the city of Evansville and certain other grantees. Requires the department of transportation to work with the city of Evansville and other persons for establishment of a greenway system connecting to the Evansville State Hospital property.

Effective: Upon passage.

Hasler, Becker, Avery, Weinzapfel

(SENATE SPONSORS — SERVER, LUTZ L)

January 16, 2003, read first time and referred to Committee on Ways and Means.
February 17, 2003, amended, reported — Do Pass.
February 20, 2003, read second time, amended, ordered engrossed.
February 21, 2003, engrossed.
February 24, 2003, read third time, passed. Yeas 81, nays 16.

SENATE ACTION

February 27, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
March 20, 2003, reported favorably — Do Pass.

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EH 1645—LS 7479/DI 75+



March 21, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1645

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-1-4-19, AS ADDED BY P.L.195-2001,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 19. (a) **As used in this section, "subject**
4 **property" refers to the property in Vanderburgh County within**
5 **the Northwest Quarter of Section 26, Township 6 South, Range 10**
6 **West.**
7 (b) An ordinance of a unit that regulates the parking of motor
8 vehicles is not applicable in Vanderburgh County within the Northwest
9 Quarter of Section 26, Township 6 South, Range 10 West. **subject**
10 **property.**
11 (c) A zoning ordinance of a unit is not applicable within the
12 **subject property.**
13 (d) Any requirements for municipal roads or streets do not
14 **apply to a road or street within the subject property.**
15 SECTION 2. P.L.195-2001, SECTION 15, IS AMENDED TO
16 READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION
17 15. (a) As used in this SECTION, "commissioner" refers to the

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1 commissioner of the Indiana department of administration.

2 (b) As used in this SECTION, "department" refers to the Indiana
3 department of administration created by IC 4-13-1-2.

4 (c) As used in this SECTION, "phase I grantee" refers to a person
5 designated by the commissioner to be a grantee of the phase I real
6 estate.

7 (d) As used in this SECTION, "phase II grantee" refers to a person
8 designated by the commissioner to be a grantee of the phase II real
9 estate.

10 (e) As used in this SECTION, "historic building" refers to
11 any of the following buildings located on the grounds of Evansville
12 State Hospital:

13 (1) The auditorium.

14 (2) The bakery.

15 (3) The castle.

16 (4) The Phantom Theatre.

17 (d) As used in this SECTION, "phase I tract I real estate" refers to
18 the real property located in Section 26, Township 6 South, Range 10
19 West of the Second Principal Meridian, Vanderburgh County, Indiana,
20 owned by the state of Indiana, and designated by the commissioner
21 under subsection (u) for transfer to a phase I grantee. **Preservation
22 Park, Inc. The real property designated under this subsection must
23 include all the historic buildings and as much of the real property
24 surrounding the historic buildings that the commissioner and
25 Preservation Park, Inc., agree are appropriate for use with the
26 historic buildings. The real property transferred under this
27 subsection may not include any real property described in
28 subsection (u).**

29 (f) (e) As used in this SECTION, "phase II tract II real estate" refers
30 to the real property located in Section 26, Township 6 South, Range 10
31 West of the Second Principal Meridian, Vanderburgh County, Indiana,
32 owned by the state of Indiana, and designated by the commissioner
33 under subsection (u) for transfer to a phase II grantee. **the city of
34 Evansville. The real property designated under this subsection
35 must include all of the real property located in Section 26,
36 Township 6 South, Range 10 West of the Second Principal
37 Meridian, Vanderburgh County, Indiana, owned by the state of
38 Indiana, except the following real property:**

39 (1) Any real property described in subsection (u).

40 (2) The real property determined by the commissioner and
41 the secretary of family and social services necessary for the
42 operation of Evansville State Hospital.



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(3) The tract I real estate.

(4) The tract III real estate.

(f) As used in this SECTION, "tract III real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana and designated by the commissioner, the parks department of the city of Evansville, and the Buffalo Trace Council of the Boy Scouts of America for the Buffalo Trace Council. The real property transferred under this subsection may not include any real property described in subsection (u). The tract III real estate is real property in addition to the real property transferred to the Buffalo Trace Council under subsection (v).

(g) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey ~~phase the~~ tract I real estate to a ~~phase I~~ grantee: **Preservation Park, Inc.** Except as provided in this SECTION, the conveyance of the real estate shall be made without consideration. Conveyance of the ~~phase tract~~ I real estate is subject to the following:

- (1) Use of the real estate for educational, **educational housing**, cultural, recreational, art, or museum purposes.
- (2) The easement granted under subsection (p).
- (3) Highways, easements, and restrictions of record.

~~However, no phase~~ **Except for educational housing as provided in subdivision (1), tract I** real estate may **not** be used for public or private housing. ~~The main building of the Evansville State Hospital may be used for public or private housing.~~

(h) The ~~phase tract~~ I real estate reverts to the state if either of the following applies:

- (1) The ~~phase tract~~ I real estate is not used for the purposes described in subsection (g)(1).
- (2) Renovation to use the real estate for purposes described in subsection (g)(1) has not begun before ~~July 1, 2002~~: **ten (10) years after environmental remediation is completed under subsection (dd).**

(i) The conveyance of ~~phase tract~~ I real estate must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION. The department shall have a quitclaim deed prepared to convey ~~phase tract~~ I real estate to a ~~phase I~~ grantee: **Preservation Park, Inc.** The deed must state the conditions and restrictions contained in subsections (g) and (h). The commissioner and the governor shall sign the deed, and the seal of the state shall be affixed



to the deed.

(j) ~~The phase I grantee Preservation Park, Inc.,~~ shall have the deed to the **phase tract I** real estate recorded in Vanderburgh County, Indiana.

(k) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey the **phase tract II** real estate to the ~~phase II grantee: city of Evansville.~~ Except as provided in this SECTION, the conveyance of the real estate shall be made without consideration. Conveyance of the **phase tract II** real estate is subject to the following:

(1) Use of the real estate for educational, cultural, recreational, art, museum, ~~nonprofit housing,~~ or social services purposes.

(2) Highways, easements, and restrictions of record.

However, ~~no phase the tract II real estate other than the main building of the Evansville State Hospital~~ may **not** be used for public or private housing.

(l) The **phase tract II** real estate reverts to the state if ~~either of the following applies:~~

(1) ~~The phase tract II real estate is not used for the purposes described in subsection (k)(1).~~

(2) ~~Substantial work to use the real estate for purposes described in subsection (k)(1) has not begun before two (2) years after the date of the deed conveying the phase II real estate to the phase II grantee.~~

(m) The conveyance of the **phase tract II** real estate may not be made until a new facility for Evansville State Hospital is completed and patients are transferred to the new facility.

(n) The conveyance of **phase tract II** real estate must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION. The department shall have a quitclaim deed prepared to convey ~~phase the tract II real estate to a phase II grantee: the city of Evansville.~~ The deed must state the conditions and restrictions contained in subsections (k) and (l). The commissioner and the governor shall sign the deed, and the seal of the state shall be affixed to the deed.

(o) The ~~phase II grantee city of Evansville~~ shall have the deed to the **phase tract II** real estate recorded in Vanderburgh County, Indiana.

(p) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to grant an easement through the **phase tract I** real estate to the parks department of the city of Evansville for operation of a recreational greenway. The location of the easement on the real estate shall be determined by the



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department and ~~the~~ parks department of the city of Evansville. Except as provided in this SECTION, the grant shall be made without consideration. The easement is subject to highways, other easements, and restrictions of record.

(q) The grant required by subsection (p) expires if the easement is not used for the purposes described in subsection (p). The instrument granting the easement must state the conditions and restrictions contained in subsection (p) and this subsection.

(r) The parks department of the city of Evansville shall have the easement recorded in Vanderburgh County, Indiana.

(s) The easement granted under subsection (p) must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION.

(t) The department shall inform the superintendent of Evansville State Hospital when the conveyances and grant under this SECTION have been completed.

(u) ~~The governor and the commissioner of the department of administration are authorized and directed on behalf of and in the name of the state to convey to a phase I or phase II grantee property described in subsection (e) or (f) tract I real estate, the tract II real estate, and the tract III real estate together consist of all the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana~~ except the following property:

Commencing at the northwest corner of the Northeast Quarter of said Section 26; thence along the west line of said quarter section South 01 degrees 07 minutes 41 seconds West 248.92 feet to a point on the southern right-of-way line of State Road 66 (Lloyd Expressway) as described in a Declaration of Departmental transfer recorded in Deed Drawer 1, Card 20807 in the office of the Recorder of Vanderburgh County, Indiana and being the northwest corner of the land described in a deed to the Southwestern Indiana Mental Health Center, Inc. recorded in Deed Drawer 4, Card 3658 in the office of said Recorder and being the POINT OF BEGINNING of this description; thence continuing along the west line of said quarter section and the west line of the Southwestern Indiana Mental Health Center parcel South 01 degree 07 minutes 41 seconds West 316.19 feet to the southwest corner of said Mental Health Center parcel; thence along the south line of said Mental Health Center parcel South 87 degrees 34 minutes 27 seconds East 599.96 feet; thence South 01 degree 07 minutes 36 seconds West 2072.09 feet to a



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1 point on the south line of the Northeast Quarter of said Section
 2 26; thence along said south line North 88 degrees 46 minutes 29
 3 seconds West 599.86 feet to the southeast corner of the
 4 Northwest Quarter of said Section 26; thence along the south
 5 line of said Northwest Quarter North 88 degrees 48 minutes 56
 6 seconds West 2022.00 feet to a center punched railroad spike;
 7 thence North 01 degree 11 minutes 04 seconds East 556.00 feet
 8 to a 3/4 inch rebar with cap stamped BLA FIRM 0030,
 9 hereinafter referred to as 3/4 inch rebar; thence North 56 degrees
 10 49 minutes 09 seconds East 40.07 feet to a 3/4 inch rebar; thence
 11 Northeasterly 641.79 feet along an arc to the left and having a
 12 radius of 3500.00 feet and subtended by a long chord having a
 13 bearing of North 51 degrees 33 minutes 58 seconds East and a
 14 length of 640.89 feet to a 3/4 inch rebar; thence North 46
 15 degrees 18 minutes 47 seconds East 306.50 feet to a 3/4 inch
 16 rebar; thence South 43 degrees 41 minutes 13 seconds East
 17 94.00 feet to a 3/4 inch rebar; thence North 46 degrees 18
 18 minutes 47 seconds East 32.50 feet to a 3/4 inch rebar; thence
 19 Northeasterly 155.49 feet along an arc to the right and having a
 20 radius of 785.00 feet and subtended by a long chord having a
 21 bearing of North 51 degrees 59 minutes 14 seconds East and a
 22 length of 155.23 feet to a 3/4 inch rebar and being the point of
 23 intersection with a non-tangent line; thence South 76 degrees 15
 24 minutes 26 seconds East 429.08 feet to a 3/4 inch rebar; thence
 25 North 13 degrees 44 minutes 34 seconds East 201.39 feet to a
 26 3/4 inch rebar; thence South 76 degrees 15 minutes 26 seconds
 27 East 71.33 feet to a 3/4 inch rebar; thence Easterly,
 28 Northeasterly, and Northerly 109.96 feet along an arc to the left
 29 and having a radius of 70.00 feet and subtended by a long chord
 30 having a bearing of North 58 degrees 44 minutes 34 seconds
 31 East and a length of 98.99 feet to a 3/4 inch rebar; thence North
 32 13 degrees 44 minutes 34 seconds East 248.11 feet to a 3/4 inch
 33 rebar; thence South 76 degrees 15 minutes 26 seconds East
 34 125.50 feet to a 3/4 inch rebar; thence North 13 degrees 44
 35 minutes 34 seconds East 131.01 feet to a center punched railroad
 36 spike; thence South 76 degrees 15 minutes 26 seconds East
 37 32.23 feet to a 3/4 inch rebar; thence North 13 degrees 44
 38 minutes 34 seconds East 71.72 feet to a 3/4 inch rebar; thence
 39 North 33 degrees 22 minutes 06 seconds East 127.79 feet to a
 40 3/4 inch rebar; thence North 56 degrees 37 minutes 54 seconds
 41 West 30.50 feet to a 3/4 inch rebar; thence North 32 degrees 07
 42 minutes 32 seconds East 232.29 feet to the southeast corner of

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the land described in a deed to the American Red Cross, Southwest Indiana Chapter recorded in Deed Drawer 13, Card 1819 in the office of said Recorder; thence along the east line of said American Red Cross parcel North 03 degrees 14 minutes 46 seconds East 263.43 feet to the aforescribed southern right-of-way line of State Road 66 (Lloyd Expressway); thence along said southern right-of-way line North 72 degrees 07 minutes 25 seconds East 28.66 feet to the point of beginning and containing 85.478 acres, more or less.

(v) ~~Notwithstanding other provisions of this SECTION,~~ The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey to the Buffalo Trace Council of the Boy Scouts of America for occupancy by the Buffalo Trace Council to be used for educational and cultural purposes, all right, title, and interest of this state in the real estate that is part of the Northwest Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the Office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence south 88 degrees 50 minutes 26 seconds east along the south right-of-way of State Road 66 376.20 feet; thence south 01 degrees 09 minutes 34 seconds west 267.05 feet; thence north 78 degrees 10 minutes 30 seconds west 382.81 feet; thence north 01 degrees 09 minutes 34 seconds east 196.20 feet to the point of beginning, containing 2.00 acres (87,137 square feet). Subject to an easement 25 feet in width along the west side for ingress and egress to the State Hospital complex.

The Buffalo Trace Council shall cooperate with ~~phase I and phase H grantees~~ **Preservation Park, Inc., and the city of Evansville** on issues related to the parking of motor vehicles on ~~phase the tract I~~ real estate, ~~phase the tract II~~ real estate, or ~~the~~ real estate described in this subsection.

(w) The governor and the commissioner of the Indiana department of administration are authorized and directed on behalf of and in the name of the state to convey to the Buffalo Trace Council of the Boy

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Scouts of America for ingress and egress to and from the property described in subsection ~~(u)~~ (v) an easement in the real estate that is part of the Northwest Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence continue south 01 degrees 09 minutes 34 seconds west 196.20 feet; thence north 78 degrees 10 minutes 30 seconds west 25.44 feet; thence north 01 degrees 09 minutes 34 seconds east 191.49 feet to a point on the south right-of-way line for State Road 66 and the west end of an opening in the limited access right-of-way previously described; thence south 88 degrees 50 minutes 26 seconds east along the south line of the State Road 66 right-of-way 25.00 feet to the point of beginning.

(x) Upon the taking effect of this SECTION, the commissioner of the Indiana department of administration shall have a deed prepared to convey to the Buffalo Trace Council of the Boy Scouts of America the real estate and easement described in subsections (v) and (w). The governor shall sign the deed. The deed shall be attested by the commissioner of the Indiana department of administration, who shall have the seal of the state affixed to the deed. The commissioner of the Indiana department of administration shall deliver the completed deed to the Buffalo Trace Council.

(y) The real estate described in subsections (v) and (w) revert to the state if any of the following apply:

(1) The real estate is used for a purpose other than the purposes described in subsections (v) and (w).

(2) The Buffalo Trace Council fails to use the real estate for a purpose described in subsection (v) or (w) before July 1, 2003.

(3) The real estate is vacant or abandoned on or after July 1, 2003.

The provisions of this subsection shall be included in the deed.

(z) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey to the Buffalo Trace Council of the Boy Scouts of America for occupancy by the Buffalo Trace Council to be used for

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educational and cultural purposes, all right, title, and interest of the state in the tract III real estate. Except as provided in this SECTION, the conveyance of the tract III real estate shall be made without consideration. Conveyance of the tract III real estate is subject to the following:

(1) Use of the real estate for educational and cultural purposes.

(2) Highways, easements, and restrictions of record.

However, the tract III real estate may not be used for public or private housing.

(aa) The tract III real estate reverts to the city of Evansville if the tract III real estate is not used for the purposes described in subsection (z).

(bb) The conveyance of tract III real estate must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION. The department shall have a quitclaim deed prepared to convey the tract III real estate to the Buffalo Trace Council of the Boy Scouts of America. The deed must state the conditions and restrictions contained in subsections (z) and (aa). The commissioner and the governor shall sign the deed, and the seal of the state shall be affixed to the deed.

(cc) The Buffalo Trace Council of the Boy Scouts of America shall have the deed to the tract III real estate recorded in Vanderburgh County, Indiana.

(dd) As provided in IC 4-20.5-7-5, the department shall conduct an environmental audit of the real property to be conveyed under this SECTION and remediate contamination found before conveying the interests required to be conveyed under this SECTION.

(ee) This SECTION expires July 1, 2006: 2013.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The Indiana department of transportation shall work with the city of Evansville and the Evansville Urban Transit Study to determine the most practical way to connect the grounds of the Evansville State Hospital with Wesselman Park, Wesselman Woods, and the Pigeon Creek greenway system.

(b) This SECTION expires July 1, 2008.

SECTION 4. An emergency is declared for this act.



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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1645, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 20, after "educational," insert "**educational housing**,".

Page 3, line 24, strike "However,".

Page 3, line 24, after "phase" insert "**Except as provided in subdivision (1)**,".

Page 3, line 32, strike "July 1,".

Page 3, line 32, delete "2013." and insert "**ten (10) years after environmental remediation is completed under subsection (dd)**,".

Page 9, line 20, after "(dd)" insert "**As provided in IC 4-20.5-7-5, the department shall conduct an environmental audit of the real property to be conveyed under this SECTION and remediate contamination found before conveying the interests required to be conveyed under this SECTION.**

(ee)".

and when so amended that said bill do pass.

(Reference is to HB 1645 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 25, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1645 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 24, after "Except" insert "**for educational housing**".

Page 4, line 12, strike "nonprofit housing,".

Page 9, between lines 8 and 9, begin a new line blocked left and insert:

"However, the tract III real estate may not be used for public or private housing."

Page 9, after line 35, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

(Reference is to HB 1645 as printed February 18, 2003.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1645, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1645 as reprinted February 21, 2003.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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